



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/446,560	12/22/1999	SADAYUKI ABETA	3815.91	2502

29858 7590 11/04/2002

BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP
900 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER

ODOM, CURTIS B

ART UNIT	PAPER NUMBER
----------	--------------

2634

DATE MAILED: 11/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/446,560

Applicant(s)

ABETA ET AL.

Examiner

Curtis B. Odom

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/22/99.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 3, 14, and 23 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

Art Unit: 2634

- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. The disclosure is objected to because of the following informalities: The heading "Disclosure of the Invention" is suggested to be changed to "Summary of the Invention" (See the above arrangement of specification). Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

Art Unit: 2634

has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-¹⁹_A are rejected under 35 U.S.C. 102(e) as being anticipated by Sawahashi et al. (U.S. Patent No. 5, 694, 388).

Regarding claim 1, Sawahashi et al. discloses CDMA receiver for receiving and demodulating a signal (column 1, lines 5-10) including a combined symbol sequence that has a plurality of slots and includes data symbols and pilot symbols (Fig. 3, column 2, lines 55-62), wherein a frame is a slot, said CDMA receiver comprising:

means for detecting positions of the pilot symbols in the combined symbol sequence (Fig. 14, block 161 and column 5, lines 19-26), wherein the phase error estimating/averaging block must detect the position of the pilot symbols to estimate the phase error ;

means for generating pilot blocks by extracting in a plurality of slots the pilot symbols from the combined symbol sequence in response to a result of the detection (Fig. 12, column 28, lines 32-37 and Fig. 14, block 161 and column 5, lines 19-26), wherein a symbol group is a pilot block;

means for obtaining channel estimation values by calculating a weighted sum of average values of the pilot symbols in the pilot blocks (Fig. 14, block 161 and column 5, lines 19-26);

Art Unit: 2634

means for acquiring from the combined symbol sequence a data symbol sequence in accordance with the result of the detection (Fig. 14, block 103T and column 5, lines 36-48), wherein the despread signal of the traffic channel is a data symbol sequence as a result of detection;

means for compensating for channel fluctuations of the data symbol sequence using the channel estimation values (Fig. 14, block 162 and column 29, lines 1-21); and

means for controlling the weighting in response to a rate of the channel fluctuations (Fig. 5, block 110, Fig. 14, block 110T and 150 and column 7, lines 50-64 and column 29, lines 1-21).

Regarding claim 2, Sawahashi et al. discloses the CDMA receiver as claimed in claim 1, wherein said means for controlling the weighting comprises:

means for compensating for, using the channel estimation values, channel fluctuations of a pilot symbol sequence extracted from the combined symbol sequence (Fig. 6, block 128, column 24, lines 50-67 and column 25, 1-55);

means for generating an error signal from the compensated pilot symbol sequence and an ideal pilot symbol sequence (Fig. 6, block 124, column 24 lines 50-67 and column 25, lines 1-55); and

means for carrying out the weighting control using the error signal and the average values of the pilot symbols included in the pilot blocks (Fig. 14, block 110P, column 24 lines 50-67 and column 25, lines 1-55).

Regarding claim 3, Sawahashi et al. discloses the CDMA receiver as claimed in claim 1, wherein said means for controlling the weighting comprises:

Art Unit: 2634

means for generating an error signal from the compensated data symbol sequence and from result obtained by demodulating and deciding the compensated data symbol sequence (Fig. 6, block 126, column 24 lines 50-67 and column 25, lines 1-55); and

means for carrying out the weighting control using the error signal and the average values of the pilot symbols included in the pilot blocks (Fig. 14, block 110P, column 24 lines 50-67 and column 25, lines 1-55).

Regarding claim 4, Sawahashi et al. discloses the CDMA receiver as claimed in claim 1, wherein said means for controlling the weighting carries out the weighting control using as update values inner products of the channel estimation values of the data symbols and the average values of the pilot symbols included in the pilot blocks (column 24 lines 50-67 and column 25, lines 1-55).

Regarding claim 5, Sawahashi et al. discloses the CDMA receiver as claimed in claim 1, wherein said CDMA receiver receives a signal including a combined symbol sequence having a frame structure consisting of slots in which the pilot symbols consisting of a few symbols are inserted into the data symbol sequence at every fixed interval (Fig. 3 and column 3, lines 55-63).

Regarding claim 6, Sawahashi et al. discloses the CDMA receiver as claimed in claim 1, wherein pilot blocks are formed from all the pilot symbols in a slot (Fig. 12 and column 28, lines 32-38), wherein pilot symbols in a pilot slot make up each symbol group and each symbol group is a pilot block.

Regarding claim 7, Sawahashi et al. discloses the CDMA receiver as claimed in claim 1, wherein when obtaining the channel estimation value of a data symbol in an n-th slot of the combined symbol sequence, where n is an integer, the pilot blocks are generated from an

Art Unit: 2634

($n-K+1$)-th slot to an ($n+K$)-th slot of the combined symbol sequence, where K is a natural number (Fig. 3 and column 2, lines 55-63), wherein the pilot blocks are generated from an ($n-K+1$)-th slot to an ($n+K$)-th slot of the combined symbol sequence, where K is a natural number.

Regarding claim 8, Sawashashi et al. discloses a CDMA receiver for receiving and demodulating a signal including a data symbol sequence and a pilot symbol sequence parallel to the data symbol sequence (Fig. 12), said CDMA receiver comprising:

means for generating a plurality of pilot blocks from the pilot symbol sequence (Fig. 12, column 28, lines 32-38);

means for obtaining channel estimation values by calculating a weighted sum of average values of the pilot symbols in the pilot blocks (Fig. 14, block 161 and column 5, lines 19-26);

means for compensating for channel fluctuations of the data symbol sequence using the channel estimation values Fig. 14, block 162 and column 29, lines 1-21); and

means for controlling the weighting in response to a rate of the channel fluctuations (Fig. 5, block 110, Fig. 14, block 110T and 150 and column 7, lines 50-64 and column 29, lines 1-21).

Regarding claim 9, Sawahashi et al. discloses the CDMA receiver as claimed in claim 8, wherein said means for controlling the weighting comprises:

means for compensating for, using the channel estimation values, channel fluctuations of a pilot symbol sequence extracted from the combined symbol sequence (Fig. 6, block 128, column 24, lines 50-67 and column 25, 1-55);

Art Unit: 2634

means for generating an error signal from the compensated pilot symbol sequence and an ideal pilot symbol sequence (Fig. 6, block 124, column 24 lines 50-67 and column 25, lines 1-55); and

means for carrying out the weighting control using the error signal and the average values of the pilot symbols included in the pilot blocks (Fig. 14, block 110P, column 24 lines 50-67 and column 25, lines 1-55).

Regarding claim 10, Sawahashi et al. discloses the CDMA receiver as claimed in claim 8, wherein said means for controlling the weighting comprises:

means for generating an error signal from the compensated data symbol sequence and from result obtained by demodulating and deciding the compensated data symbol sequence (Fig. 6, block 126, column 24 lines 50-67 and column 25, lines 1-55); and

means for carrying out the weighting control using the error signal and the average values of the pilot symbols included in the pilot blocks (Fig. 14, block 110P, column 24 lines 50-67 and column 25, lines 1-55).

Regarding claim 11, Sawahashi et al. discloses the CDMA receiver as claimed in claim 8, wherein said means for controlling the weighting carries out the weighting control using as update values inner products of the channel estimation values of the data symbols and the average values of the pilot symbols included in the pilot blocks (column 24 lines 50-67 and column 25, lines 1-55).

Regarding claim 12, Sawahashi et al. discloses the CDMA receiver as claimed in claim 8, wherein said CDMA receiver receives a signal including a data symbol sequence which is spread using a first spreading code, and a pilot symbol sequence which is parallel to the data symbol

Art Unit: 2634

sequence and spread using a second spreading code, the first spreading code and the second spreading code being orthogonal to each other (Fig. 12 and Fig. 13, column 28, lines 32-50), wherein the first spreading code and second spreading code are orthogonal in that orthogonal filters are used to despread the signal.

Regarding claim 13, Sawahashi et al. discloses the CDMA receiver as claimed in claim 8, wherein said CDMA receiver receives a signal including a spread data symbol sequence which is impressed on a first carrier, and a spread pilot symbol sequence which is parallel to the data symbol sequence and is impressed on a second carrier, the first carrier and the second carrier being orthogonal to each other (Fig. 12 and Fig. 13, column 28, lines 32-50), wherein the pilot symbol sequence and the data symbol sequence are separate and can be impressed on a carrier in orthogonal filters are used when the carriers are orthogonal to one another.

Regarding claim 14, Sawahashi et al. discloses the CDMA receiver as claimed in claim 8, wherein when obtaining the channel estimation value of an n -th data symbol in the data symbol sequence, where n is an integer, the plurality of pilot blocks are generated from an $(nK+1)$ -th pilot symbol to an $(n+K)$ -th pilot symbol in the pilot symbol sequence, where K is a natural number (Fig. 12 and column 28, lines 32-37), wherein a symbol group is a pilot block and the plurality of pilot blocks are generated from an $(nK+1)$ -th pilot symbol to an $(n+K)$ -th pilot symbol in the pilot symbol sequence, where K is a natural number.

Regarding claim 15, Sawahashi et al. discloses the CDMA receiver as claimed in claim 8, wherein the plurality of pilot blocks have a same length (Fig. 12, column 28, lines 32-37) wherein each symbol group contains the same amount of symbols.

Art Unit: 2634

Regarding claim 16, Sawahashi et al discloses a CDMA transceiver including a transmitting section for transmitting (column 3, lines 62-65) a signal including a combined symbol sequence that has a plurality of slots and includes data symbols and pilot symbols (Fig. 3, column 3, lines 62-67), and a receiving section for receiving and demodulating the signal (column 4, lines 3-4), said receiving section comprising:

means for detecting positions of the pilot symbols in the combined symbol sequence (Fig. 14, block 161 and column 5, lines 19-26), wherein the phase error estimating/averaging block must detect the position of the pilot symbols to estimate the phase error ;

means for generating pilot blocks by extracting in a plurality of slots the pilot symbols from the combined symbol sequence in response to a result of the detection (Fig. 12, column 28, lines 32-37 and Fig. 14, block 161 and column 5, lines 19-26), wherein a symbol group is a pilot block;

means for obtaining channel estimation values by calculating a weighted sum of average values of the pilot symbols in the pilot blocks (Fig. 14, block 161 and column 5, lines 19-26);

means for acquiring from the combined symbol sequence a data symbol sequence in accordance with the result of the detection (Fig. 14, block 103T and column 5, lines 36-48), wherein the despread signal of the traffic channel is a data symbol sequence as a result of detection;

means for compensating for channel fluctuations of the data symbol sequence using the channel estimation values (Fig. 14, block 162 and column 29, lines 1-21); and

means for controlling the weighting in response to a rate of the channel fluctuations (Fig. 5, block 110, Fig. 14, block 110T and 150 and column 7, lines 50-64 and column 29, lines 1-21).

Art Unit: 2634

Regarding claim 17, Sawahashi et al discloses a CDMA transceiver including a transmitting section for transmitting a signal including a data symbol sequence and a pilot symbol sequence parallel to the data symbol sequence (Fig. 12), and a receiving section for receiving and demodulating the signal, said receiving section comprising:

means for generating a plurality of pilot blocks from the pilot symbol sequence (Fig. 12, column 28, lines 32-38);

means for obtaining channel estimation values by calculating a weighted sum of average values of the pilot symbols in the pilot blocks (Fig. 14, block 161 and column 5, lines 19-26);

means for compensating for channel fluctuations of the data symbol sequence using the channel estimation values Fig. 14, block 162 and column 29, lines 1-21); and

means for controlling the weighting in response to a rate of the channel fluctuations (Fig. 5, block 110, Fig. 14, block 110T and 150 and column 7, lines 50-64 and column 29, lines 1-21).

Regarding claim 18, Sawahashi et al. discloses a CDMA receiving method of receiving and demodulating a signal including a combined symbol sequence that has a plurality of slots and includes data symbols and pilot symbols, said CDMA receiving method comprising the steps of:

detecting positions of the pilot symbols in the combined symbol sequence (Fig. 14, block 161 and column 5, lines 19-26), wherein the phase error estimating/averaging block must detect the position of the pilot symbols to estimate the phase error ;

generating pilot blocks by extracting in a plurality of slots the pilot symbols from the combined symbol sequence in response to a result of the detection (Fig. 12, column 28, lines 32-37 and Fig. 14, block 161 and column 5, lines 19-26), wherein a symbol group is a pilot block;

Art Unit: 2634

obtaining channel estimation values by calculating a weighted sum of average values of the pilot symbols in the pilot blocks (Fig. 14, block 161 and column 5, lines 19-26);

acquiring from the combined symbol sequence a data symbol sequence in accordance with the result of the detection (Fig. 14, block 103T and column 5, lines 36-48), wherein the despread signal of the traffic channel is a data symbol sequence as a result of detection;

compensating for channel fluctuations of the data symbol sequence using the channel estimation values (Fig. 14, block 162 and column 29, lines 1-21),

wherein the weighting is controlled in response to a rate of the channel fluctuations (Fig. 5, block 110, Fig. 14, block 110T and 150 and column 7, lines 50-64 and column 29, lines 1-21).

Regarding claim 19, Sawahashi et al. discloses a CDMA receiving method of receiving and demodulating a signal including a data symbol sequence and a pilot symbol sequence parallel to the data symbol sequence, said CDMA receiving method comprising the steps of:

generating a plurality of pilot blocks from the pilot symbol sequence (Fig. 12, column 28, lines 32-38);

obtaining channel estimation values by calculating a weighted sum of average values of the pilot symbols in the pilot blocks (Fig. 14, block 161 and column 5, lines 19-26);

compensating for channel fluctuations of the data symbol sequence using the channel estimation values Fig. 14, block 162 and column 29, lines 1-21),

wherein the weighting is controlled in response to a rate of the channel fluctuations (Fig. 5, block 110, Fig. 14, block 110T and 150 and column 7, lines 50-64 and column 29, lines 1-21).

Art Unit: 2634


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis B. Odom whose telephone number is 703-305-4097. The examiner can normally be reached on Monday- Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Curtis Odom
October 16, 2002



STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800